

**MINUTES OF THE REGULAR MEETING OF THE PLANNING BOARD OF
THE VILLAGE OF IRVINGTON HELD IN THE TRUSTEES' ROOM,
VILLAGE HALL ON WEDNESDAY, MARCH 13, 1996.**

Members

Present: Patrick J. Gilmartin, Chairman
William Bush, Secretary
Robert Buford
Joseph Elliot
Peter Lilienfield

Also Present: John Kirkpatrick, Special Counsel to
the Planning Board
Brenda Livingston & William Hoffman, Ad Hoc
Planning

Board Members
Eugene Hughey, Building Inspector
Florence Costello, Planning Board Clerk
Desiree Garvin, Court Reporting Services,
for Mercy College
& Westwood Development Associates
Walter Schoeph, E.C.B. Member
Applicants and other persons mentioned in
these Minutes
Members of the Public.

IPB Matters

Considered: 90-07 - Wells Subdivision - Informal
Discussion

Sht. 13B, P-19
93-04 - Vahid & Mashid Noshirvani
Sht. 7B, Bl. 249, Lot 6, 6A
94-03 - Westwood Development Associates,
Inc.

Sht. 10,11, Lot 25,25K,P25J2
94-14 - Holy Spirit Association for the
Unification
of World Christianity - East Garden
Subdivision

95-23 - Mercy College
Sht. 9, P-44,45,46,47,48,49
96-03 - RR Irvington Associates
Lot #64
96-04 - William & Lee Hoppen
Sht. 13, Lot P-129
96-05 - Brian & Heather Kenny

Sht. 15, Lot 137, 138

The Chairman called the meeting to order at 8:00 P.M.

<u>IPB Matter # 93-04:</u>	Application of Vahid &
Mashid Noshirvani for	
Plan	Amendment to the Site Development
60, & 60 West	Approval for properties at 58,
	Clinton Avenue.

The Chairman noted that the Board had received confirmation of the approval of SAB Corp. and Jack and Janet O'Hara of the relocation of the sewer and utility easement. Accordingly, the consent of all present owners of the property within the subdivision has been obtained and this condition associated with the Board's approval has been satisfied.

<u>IPB Matter #95-23:</u>	Application of Mercy College
for Amendment/	
	Renewal of Special Permits.

A complete transcript of the proceedings relating to this matter was prepared and is incorporated by reference. Appearing on behalf of the Applicant were Dr. Sexter, President of Mercy College and Gerald Reilly, Esq., Applicant's counsel. John Kirkpatrick, Special Counsel for the Planning Board, also attended.

The discussion involved several items, including the relationship between Long Island University and Mercy College, the use of Mercy College parking facilities by Our Lady of Victory, the authority of the Village Building Inspector over the buildings located on the portion of the Applicant's property within the Village, the source of an existing easement for the benefit of the Sisters of Mercy and whether ingress or egress through Mercy College was to be provided for The Landing project. Additional comments were solicited from the public. At the conclusion of the discussion it was determined to continue the public hearing on the Application until the next meeting of the Board.

IPB Matter #96-03 &
Associates for
IPB Matter #96-01:
Plan Approval

Application of RR Irvington

Amended Site Development

for Lot #64, and continuation of
Public Hearing

for Lot #42.

James Ryan, R.L.A., of John Meyer Consulting, David S. Steinmetz, Esq., of Shamberg Marwell Cherneff Hocherman Davis & Hollis, P.C., and Robert Houlihan, Project Supervisor at Bracebridge, appeared for the Applicant. Mr. Lilienfield recused himself from the proceedings, his place was taken by Ms. Brenda Livingston, Ad Hoc Planning Board Member.

Lot #64 (IPB #96-03)

Applicant submitted an Affidavit of Publication and evidence of mailing of required Notice to Affected Property Owners. The Applicant submitted a drawing entitled: "Lot #64 & Lot #65 Driveway Relocation Plan" prepared by John Meyer Consulting, revised February 7, 1996.

The Application related to a requested modification of prior site plan approval with respect to the elimination of a common driveway for Lots 64 and 65. The Chairman noted the Board had conducted a site walk of the property. He also referred to a memorandum from the ECB commenting on the amount of run-off from the proposed additional driveway. Mr. Ryan reviewed the Applicant's mitigation measures relating to run-off from the driveway. After further discussion, upon motion duly made and adopted the Board approved the modification to the site plan.

Prior to the discussion of Lot 42 the Chairman noted that he was advised that the Applicant needed to add funds to its escrow account with the Village. The Chairman also pointed out that Mr. Mastromonaco had noted the need for further engineering certifications for roads and major components of the project infrastructure. The Applicant indicated it would resolve both of these matters.

Lot #42 (IPB #96-01)

The public hearing on Lot #42 was continued. The Chairman noted the Board had conducted a site walk of the lot and requested Mr. Steinmetz to outline how the revised site plan submitted to the Board (Revision dated March 11, 1996) responded to the various concerns of the Board. Messrs. Ryan and Houlihan noted the changes made in response to the Board's concerns including the preservation of additional trees and modifications relating to the site's grading and drainage. The Applicant noted however, that it had determined not to re-position the house due to concerns of the purchaser. The Board asked numerous questions concerning the revised plan and noted it had serious concerns about approving the plan. The Board asked that the Applicant provide a landscaping plan for the site and that notice be given to the adjacent property owner, Mr. Perillo, prior to the next meeting of the Board. No final action was taken pending reconsideration of the Application at the Board's April meeting.

IPB Matter #96-04:
Hoppen for Site

Application of William & Lee
Development Plan Approval for
property at
Ardsley Avenue East & Broadway.

Mr. William Hoppen appeared personally for the Application. Applicant paid the required application fee and submitted an Affidavit of Publication and evidence of mailing of required Notice to Affected Property Owners. The proposed development consists of a two-car garage with a turnaround to be built in place of the existing one-car metal garage, with access by way of the existing curb cut to Broadway at the northern corner of the property. The Chairman noted that Zoning Board of Appeals approval was required with respect to the proposed construction due to the fact that it increased a non-conforming use.

The Chairman, with the Board's concurrence, stated that the application would be treated as a Request for Waiver of Site Development Plan Approval. There were no comments from the public.

After discussion, on motion duly made, seconded and unanimously approved, the Board then adopted the following Resolution:

WHEREAS, the Planning Board has determined in accordance with Section 243-17 of the Village Code that the proposed addition meets conditions which permit Site Development Plan Approval to be waived in that (1) special conditions peculiar to the site exist to make submission of information normally required as part of an application for Site Development Plan Approval inappropriate or unnecessary, including the facts that the proposed construction will not affect any environmental features or resources requiring protection, and will not require major site disturbance or removal of any significant trees, (2) that in these circumstances to require strict compliance with the requirements for Site Development Plan Approval may cause extraordinary or unnecessary hardship; and (3) that the waiver of requirements for Site Development Plan Approval will not have detrimental effects on the public health, safety or general welfare, or have the effect of nullifying the intent and purpose of Site Development Plan submission, the Official Map or Comprehensive Land Use Plan, or depending on the action taken by the Zoning Board of Appeals as hereinafter provided, the Zoning Ordinance of the Village of Irvington, or of any Local Law adopting or amending any of said Map, Plan or Ordinance, **NOW, THEREFORE**, the Planning Board hereby waives all requirements for Site Development Plan Approval for this Application subject to approval by the Zoning Board of Appeals of any variance required in connection with the Application.

IPB Matter #96-05:
Heather Kenny for Site

Application of Brian &
Development Plan Approval for
property at
13 Hudson Road East.

Radoslav Opacic, Architect, and Rivi Oren, Landscape Designer, appeared personally for the Application. Applicant paid the required application fee and furnished evidence of mailing of the required Notice to Affected Property Owners. The proposed design calls for the removal of the existing garage building and the creation of a family room addition on the south side of the existing building which also includes an expanded kitchen. A new two-car garage will be located below the family room and a covered porch at the entry. The

increase will be a total of approximately 1,092 square feet on a total of two floors, or approximately 9,579 cubic feet.

The Chairman, as a neighbor of the Applicant recused himself from the proceedings and Robert Buford became Acting Chairman. With the Board's concurrence the Acting Chairman stated that the application would be treated as a Request for Waiver of Site Development Plan Approval, subject to the Building Inspector's determination that the plan met applicable set back requirements with respect to the location of the proposed front entrance. The Board then determined this application to be a Type II Action under SEQRA and therefore the filing of an Environmental Assessment Form was not necessary.

After discussion, on motion duly made, seconded unanimously approved, the Board then adopted the following Resolution:

WHEREAS, the Planning Board has determined in accordance with Section 243-71 of the Village Code that the proposed alteration and addition meets conditions which permit Site Development Plan Approval to be waived in that (1) special conditions peculiar to the site exist to make submission of information normally required as part of an application for Site Development Plan Approval inappropriate or unnecessary, including the facts that the proposed construction will not affect any environmental features or resources requiring protection, and will not require major site disturbance or removal of any significant trees, (2) that in these circumstances to require strict compliance with the requirements for Site Development Plan Approval may cause extraordinary or unnecessary hardship; and (3) that the waiver of requirements for Site Development Plan Approval will not have detrimental effects on the public health, safety or general welfare, or have the effect of nullifying the intent and purpose of Site Development Plan submission, the Official Map or Comprehensive Land Use Plan, or Zoning Ordinance of the Village of Irvington, or of any Local Law adopting or amending any of said Map, Plan or Ordinance, **NOW, THEREFORE**, the Planning Board hereby waives all requirements for Site Development Plan Approval for this Application subject to the Building

Inspector's determination relating to the set back requirement.

IPB Matter #94-03:
Development

Site Development
Broadway,

Application of Westwood
Associates, Inc., for Limited
Plan Approval for property at
Riverview Road and Mountain Road.

A complete transcript of the proceedings relating to this matter was prepared and is incorporated by reference. Discussion concerned the status of the School Board referendum and Mr. Mastromonaco's comments on the plans showing a conventional subdivision for the site consisting of 46 lots.

IPB Matter #94-14:
Association for the

for East
Subdivision
Development Approval

Application of Holy Spirit
Unification of World Christianity
Garden Subdivision for Final
Approval and Final Site
for Lot 2.

The Applicant was represented by its counsel, Norman Sheer, Esq., Michael Sterlacci, consulting engineer and Peter van Geldern, Architect. The Application was for final subdivision approval and for final Site Development Plan Approval for Lot 2 in the subdivision. Limited Site Development Plan approval for the lots in the subdivision was given by the Board on August 2, 1995, subject to final subdivision approval being given. The Chairman noted that Mr. Mastromonaco had commented on certain engineering aspects of Applicant's plans which had been responded to by the Applicant in its revised plans submitted to the Board. The Board determined the Application was complete and set the public hearing on the Application for April 10, 1996 at 8:30 P.M.

With regard to the application for final site plan approval for Lot 2, Mr. van Geldern reviewed the site plan on a preliminary basis for the Board.

The Chairman asked Mr. Sheer to determine whether the site was included in the Village's Open Space Inventory and if it was to apply for ECB approval prior to the Board's April meeting. The Board also set a site walk for March 23, 1996 at 9:30 A.M.

IPB Matter #90-07:
Subdivision,

Informal Discussion of Wells

Lewis and Emory Roads.

Philip M. Maley, Esq., and Gerald Reilly, Esq. appeared for the Applicant. Mr. Maley briefly explained the complex history of this matter to the Board, including the litigation relating to the application. He indicated Applicant's intent to refile for subdivision approval. The Chairman suggested that the issue of the property's status on the Village's open space inventory be explored before Applicant filed its revised application with the Board.

The Board then considered the following administrative matters:

Minutes of the Planning Board held on February 7, 1996, previously distributed, were on motion duly made and seconded, approved.

The Chairman referred to various letters between Abbott House and one of its neighbors, Mr. Kaplan, concerning traffic and other issues. The Board noted the correspondence but took no action.

The Chairman asked the individual members of the Board to comment on the Irvington 2000 Committee suggestions if they wished.

The next regular meeting of the Planning Board was scheduled for Wednesday, April 10, 1996.

There being no further business, the meeting was adjourned.

Respectfully submitted,

William Bush, Secretary

